Cf. Brit. Laws Statutes, etc. Military law

LAVVES

and Ordinances militarie,

sett downe and established by the right excellente ROBERT Earle of LEYCESTER, Baron of Denbigh, Justice of Oyer and terminer of her Maiesties Forestes, Chaces and Parkes on thisside Trente, Maister of the Horse to the *Queenes* moste Excellente *Maiestie* One of the Lordes of her moste honorable priuie Counsaile, Knight of bothe noble Orders, of the Garter and S. Michaell: her Highenes Lieutenant and Captaine GENERAL of her Maiest. Armie and Forces in the lowe Countries: And Gouernour GENERAL of all the Prouincies and Cities vnited in the saide lowe Countries, and there associates.

To be obserued by all suche as shall serue in her Maiest. Armie vnder him in the saide Countries.

Imprinted at Leyden by Andries Verschout/the xxv. of Januarie. 1586. de stilo nouo.

Send him you desire to have of

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FOrasmuche as there is not any Estate, which in peace or warre can be accounted sure, or preserued from dishonour & ruine, vnlesse it bee supported and borne vp by Justice duely administred, and discipline orderly obserued: And for that no man can be so ignorant as not to knowe, that honor, fame and prosperitie, doe duely follow that common Wealth or Nation, wherein good lawes are established, the Magistrate ministring Justice is duely regarded, and the people fearing to offende, are drawen vnder the rules of Justice and obedience: And seeing that martiall discipline aboue al things (proper to men of warre) is by vs at this time most to be folowed, aswell for the aduancemẽt of Gods glorie, as honourablie to gouerne this Armie in good order: And least that the euill inclined (pleading simplicitie) should couer any wicked facte by ignorance: Therefore these martiall Ordinances and Lawes followinge are established and published, whereby all good mindes endeuouringe to attaine honour, may stand armed, and receiue

encouragement to perſeuere in well doing, & ſuch as are inclined to lewdeneſſe, be warned from committing offences puniſhable. which being embraced with carefull reſpect, and followed with obediẽce, doe promiſe good order and agreemẽt amongſt our ſelues, with victorie and good euẽts againſt our enemies.

Blaſphemers. 1 First, Forſomuch as the holy Name of our moſt mightie and inuincible God, with all reuerence ought to be regarded, and that deſtruction is pronounced to ſuche as blaſpheme or abuſe the ſame: it is therefore ordeined and commanded, that no perſon whatſoeuer, either in common conference or communication, or for any cauſe whatſoeuer, ſhall blaſpheme, or take his Name in vaine, vpon paine of loſſe of v.s. to the releefe of the poore for the firſt offence: for the ſeconde, fiue dayes inpriſonment: for the third, loſſe of his place and wages.

Diuine ſeruice. 2 And becauſe the continuall and vnſpeakeable fauours of our Almightie God, by our vnthankfulneſſe may be taken from vs, and that no good euent of any action can be expected, wherein God is not firſt and principally honored and ſerued: It is therefore eſpecially ordeyned and commaunded, that all perſons whatſoeuer, ſhall vpon general warning giuen either by ſound of Trompet or Drum, repaire to the place appointed, where the Diuine ſer-

ſernice is to be vſed, there to heare the ſame read and preached, vnleſſe for the preſent by ſickneſſe or other ſeruice he be impeached, vpon paine to loſe his dayes wages for the firſt, two dayes wages for the ſecond, and ſo to be encreaſed by the diſcretion of the Iudge, and for euery ſuch default in the Souldier, aſwell the Captaine as his inferiour officers, to be puniſhed with like penaltie.

Vnlaufull games.

3 And ſeeing it well beſeemeth all Chriſtians, eſpecially ſuch as profeſſe the militarie ſeruice, to paſſe away the time in matters requiſite for their profeſſion: And becauſe no time can be more vainely ſpent, then that which is conſumed in vnlawfull games, beſides the breeding of much contention and quarrelles: And for that there be many allowable and commendable exerciſes for all ſortes of men to vſe: Therefore it is ſtreightly commanded, that no priuate Souldiour or inferiour Officer ſhal play at Dice and Cardes, nor any other vnlawfull games, vpon paine of two dayes impriſonment for the firſt time, and for after committing the like, to bee further puniſhed by the Iudges diſcretion.

Vagrant women.

4 And for that it often happeneth, that by permitting of many vagrant & idle women in an armie, ſundry diſorders and horrible abuſes are committed: Therefore it is ordeined that no man ſhall carrie into the fielde, or deteine with him in the place of his

garrison, any woman whatsoeuer, other then such as be knowen to be his lawful wife, or such other women to tende the sicke and to serue for launders, as shall be thought meete by the Marshall, vpon paine of whipping and banishment.

Women with Childe. Aged persons. Widowes. Virgins. Babes.

5 And insomuch as clemencie amongst men of warre in some respectes is a singuler vertue: It is ordeined that no man in any part of this seruice that he shall doe, shal lay violent handes vpon any woman with childe, or lying in childebed, olde persons, widowes, yong virgins, or babes, without especiall order from the Magistrate, vpon paine of death.

Violent defyling of women.

6. Noe man of what degree so euer he be, shall enforce any wife, widowe, maide or virgin, and by violence defile anie of them vppon paine of death.

Dronkenes and riotuousnes.

7. What person soeuer that shall be commonly giuen to dronkennesse, or riotously behaue himselfe, shall be banished the Armie.

Concealement of treason. Conspiracie.

8 Whosoeuer shall conceale, or in any sort kepe secrete, Treason, any dangerous conspiracie, or other practise which may be hurtfull, and may concerne the peril of her Maiesties person and realme, or of her General, or the estate of this Armie, and shall not with all diligence reueale the same either vnto the Generall, or some other Officer of especiall trust, shal incurre the paines of death with tormēts.

9 If anie man whatſoeuer ſhall practice and conſpire anie thinge to the hurte or perill of her Maieſties perſon, and realme or of her Generall, or the eſtate of this Armie, and be therof laufullie convinced, ſhall ſuffer death with torments. Treaſon and Conſpiracy.

10 No man ſhall haue ſpeeche or conference, ſend meſſage, deliuer or receiue letters to or from the enemie, or anie his confederates, either ſecretly or openly, without manifeſting the ſame preſentlie vnto the Generall or Marſhall, or hauing former authoritie ſo to doe, vpon paine of death. Conference/ or writinge with or to the Ennemie.

11 No man being in this ſeruice ſhal depart the Campe or place of Garriſon for anie cauſe whatſoeuer, without the Generals eſpeciall Paſport, or other head Officer authoriſed, vpon paine of death. Departinge from the Camp or the Garriſon without leaue.

12 No man ſhall breake out, or leaue the order of his ranke, being once ordered in the fielde by the Marſhall or Sergeant Maior, without ſome great occaſion firſt made knowen vnto the ſaide Officer, vpon paine of loſſe either of life or limme, at the diſcretion of the Generall or of the Marſhall. Breakinge order of the ranke.

13 No man appointed to watch or warde, ſhall ſhun or depart the place, neither ſhall ſleepe, or neglect his duetie therein, eſpecially after the watch is ſet and the woorde giuen, vnleſſe he be orderly relieued, or for ſome great occaſion enforced, with licence of his Captaine Watch woorde neglected.

Captaine or Officer, vpon paine of death.

Watchworde bewraied.

14 No man shall bewray the watchworde to the enemie or to any other, or giue any other worde then is deliuered by the Officer, vpon paine of death with torment.

Mutynie/ or vnlauful assemblies

15 No man shal raise any mutinie, or procure vnlawfull assemblies vpon priuate, secrete, or hidden purpose, whereby to disturbe the peace and quiet of the Armie, vpon paine of death.

Weapon against Magistrats.

16 Noe man shall lift vp his weapon against the Magistrate, his Captaine or Officer, vpon paine of death.

Quarrelinge or fraiemakinge in Campe/ or Towne of garrison.

17 No man shall quarell, brauwle, or make any fray within the Campe or Towne of garrison, vpon olde malice, or newe occasion whatsoeuer, but shall complaine to the Officer, who is to decide the cause and punish the partie offending, vpon paine of losse of life or limme, at the discretion of the Generall or Marshall.

Forreiner abused by Englishmen.

18 And whereas sundrie nations are to serue with vs in these warres, so as through diuersitie of languages occasion of many controuersies may arise or happen to growe: It is therefore ordeined, that if any person of English nation shall finde him selfe agrieued with any wrong profered him by any forreiner, that then without profering further reuẽge hee shall signifie the same vnto his Captaine or other officer, whereby order may be taken

taken so, as no further quarrell growe thereof, but that quietnesse in all respectes may be preserued, vpon paine of such punishment as the head officers shall thinke meete, either by losse of life or limme.

19 No man appointed to the defence of any Breach, Trench or Streight, either Captaine or Souldiour, shall willingly leaue it, or vpon any false or imagined cause or excuse shall absent himselfe from the place, without sufficient warrant, vpon paine of death.

Leauinge breach/ trench/ or streight vppon fained excuse.

20 No man shall enrolle his name vnder two Captaines, nor muster in seuerall companies at one time, or otherwise passe in an other mans name, or lende armour, weapon, or other furniture vpon the muster day, whereby to abuse her Maiestie, and weaken the present seruice, vpon paine of a moneths imprisonment, and banishment.

Souldier enrolled vnder two Captaines.

21 No man shall embezill or diminish any of his Armour, weapon and furniture, which is appointed him by his Captaine, vnlesse he can proue that he lost the same in seruice. And that no man shall take in pawne any Souldiours weapon or furniture, vpon paine to the Souldiour of losse of his place, and to the other that shall take it in pawne, the losse of the double value.

Armour embezilled/ diminisshed/ or pawned.

22 No man shall play away, engage, or lende away his furniture, but shall alwayes keepe his Armour and weapon cleane and

Playing away of Armour.

seruiceable, vpon paine of being discharged.

Pilfering of his fellowes victuals

23 No man shall deceitfully take away his companions prouision, victuals, or furniture, vpon paine of imprisonment.

Forceable exaction of victuals or goodes.

24 No person trauepling, lodging, or abiding in any the Townes or Contreis of her Maiesties friendes or Allies, shall in any wise exact or take by force from the people either victual or other their goods whatsoeuer, without present payment, or other sufficient order to the iust satisfaction of the partie, vpon paine of death.

Victuals forestalled.

25 No man shall forestall any victuals brought for the Campe or place of garrison, but suffer the same peaceably to come into the Market place, there to bee rated and priced by the Marshall or his officer, before he buy the same, vpon paine of death.

Robbing or spoiling of bitler or Marchant.

26 No man shall robbe or spoyle any Shop or Tent, or any victualler or Marchãt comming for relefe of the Campe or garrison, but in all good sort shall entertaine and defend them, vpon paine of death.

Exceading the daies for takinge of victuals.

27 No Souldiour commaunded at any time to take victuals for certaine dayes, shall exceede the same dayes, or spẽd the same otherwise then according to the proportions and time allowed him, vpon paine of imprisonment, or other such punishmẽt as the lawfull officers shal appoint.

None to be spoiled beinge of the

28 No man shall distresse or spoyle any person

perſon ſtanding on her Maieſties partie, or beinge vnder the Generals protection, vpon paine of death. Generalls protection.

29 No man ſhall diſobey or tranſgreſſe any Proclamation made by Drumme or Trumpet, ſet foorth by the Generall, vppon ſuch paine as he ſhall ſet foorth. Proclamation tranſgreſſed.

30 No man ſhall reſiſt the Prouoſt or his other officer in apprehending of any malefactour, but if neede require, ſhall ayde and aſſiſt him therein, or otherwiſe if by ſuche occaſion any eſcape be made, it is ordeined that euery perſon by whoſe defaulte the eſcape was committed, ſhall ſuffer like puniſhment that the parties ſo eſcaped ſhoulde haue endured. Reſiſtinge the apprehenſion of Malefactors.

31 No man ſhall moleſt or trouble any perſon being vnder his owne regiment, or the leading of any other, once placed by the Marſhall, Forrier, or Herbinger in the Campe or Towne, but quietly to permit and ſuffer euery one to enioye his ſeuerall roome or lodging, vnleſſe it be by mutuall conſent and agreement, neither ſhall any man lodge out of his Captaines quarter without licence, vppon paine of impriſonmeut. Diſturbance of any there lodginges.

32 No man ſhall ouerthrowe or deſtroye any water Milles or water worckes without ſpeciall commaundement of the Generall, or other heade Officer vppon paine of death. Water Milles.

33 No mã contrarie to order ſhall ſet on fire

Burnyngz by fyre.

or burne any house, milne, or corne, nor at dislodging or remoouing shall set the Campe on fire, without speciall commaundement from the General or other head Officer present, vpon paine of death.

Silence in watch warde or Ambushe.

34 No man shall make anie owterie or noise in any watch, warde, Ambushe, or anie other place where silence is requisite and necessarie, vppon paine of losse of life or lymme, at the generals discretion.

Alarme.

35 No man without great occasion shall make any Alarme, but if any chance to arise, then shall euery man presently repaire in all haste vnto his appointed place, vnlesse some true excusable cause doe hinder him, vpon paine of death.

Harborzing of Strangers not in pass.

36 No man shall harbour or receiue into his lodging any person being a stranger, or of our owne nation not being enrolled in her Maiesties pape, but shall presently acquaint the Generall or Marshall with his name, countrey, the time of his comming, and busines, vpon paine of imprisonment, and losse of his place and wages.

Talkinge with the Enemies Trumpeters.

37 No man shall talke or haue conuersation with any Trumpetter or Drummer of the enemies, or other sent in message, but such as bee appointed by the Generall, vpon paine of death.

Attendance vpon Cariagies.

38 No man shal attende vpon the cariages

riages, but such as are appointed to that charge, neither linger, or loyter behinde with them to ride or ease themselues, vnlesse it be such as by sickenesse, hurtes, or other infirmities knowē to the officers, to be permitted so, vpon paine of imprisonmēt, & losse of wages.

39 No man shall attempt to goe a forraging, without the officer appointed for that purpose deliuer them a sufficient guarde for their defence, vpon paine of death. Forraginge.

40 Euery Souldier shall present such prisoners as are taken, to their Captaine immediatly at their returne to the Campe, and none shall either kill them, or license them to depart, without commaundement or leaue from the Generall, or other head Officer thereunto appointed, vpon paine of being disarmed, and banished the Campe. Souldiers prisoner.

41 Euery Souldier at all times in seruice shalbe obedient and faithfull, aswell to their Captaines as other inferiour Officers, & not to refuse direction of any, vnder whom they are appointed to serue, vpon paine of imprisonment, and losse of a moneths wages. And whensoeuer anie Captaine of anie bande shall vppon vrgent causes appointe in his absence anie other whome he shall thinke good to supplie and execute his roome of captainship, euery man owght to followe and obey the saide deputie with noe lesse care and diligence, then they woulde the Captaine Obedience of the Souldier to his Captaine, or his deputie.

him ſelf vppon the ſame paine.

Supporting the Enſigne.

42 Euery man ſhall ſupport and defende his owne Enſigne both night and day, and ſhall reſort vnto the ſame vpon the firſt warning, and not depart vntill it be brought into ſafetie, vpon paine of death.

Sounde of Drum/ Fifte/ or Trumpet to be learned.

43 Euery ſouldier ſhal diligently obſerue and learne the ſound of Drums, Fiftes, and Trumpets, to the end he may knowe howe to anſwere the ſame in his ſeruice.

Slawghter of beaſtes.

44 No man ſhall ſlaughter or kill any beaſt of what nature ſoeuer within the Campe or Garriſon, but in ſuch places as are appoynted for that purpoſe, nor ſhall ſuffer the

Garbage.

garbage to remaine vnburied, neither ſhall

Waters vndefiled.

any man trouble or defile the waters adioyning, but in the lower part of the ſtreame ſome good diſtance from the Campe, vpon paine of impriſonment.

Eaſementes.

45 No man ſhall eaſe himſelfe or defile the Campe or Towne of Garriſon, ſaue in ſuch places as is appointed for that purpoſe, vpon paine of impriſonment, and ſuch further puniſhment, as ſhall be thought meete by the chiefe Officers.

Priſoners and booties certified.

46 If any man doe take a priſoner or bootie, he ſhall immediately after hee is returned vnto the Campe or Towne of Garriſon, make his Captaine or Gouernour acquainted therewith, and the Captaine ſhall declare the ſame vnto the Marſhall, who

euery

euery eight dayes ſhall make certificate thereof vnto the Generall, vpon paine of impriſonment, and further puniſhment as the Generall ſhall ſet downe.

47 In Marching by the fieldes, no man at the putting vp of any Hare, or any other beaſt ſhal make any ſhout or crie, whereby to diſquiet or ſtay the reſt of the bands, but to vſe all quietneſſe and ſilence in their march, vpon paine of impriſonment. Crie/ att the puttinge vp of any Hare.

48 No man ſhall giue vp or deliuer vnto the enemies any place left to his charge or keeping, vpon paine of death. Place of charge/ geuen to the Enemie.

49 If any man flie to the enemies, or be taken vpon his departure towards them, he ſhall ſuffer death. Flyinge/ to the Enemie.

50 That no perſon whatſoeuer ſhall paſſe by any other way either in Towne or Campe, but at the ordinarie gates and paſſages, vpon paine of death. Paſſage by ordinarie waie.

51 That all heraults of Armes ſhall doe there meſſagies, and make proclamacion at ſuch times and places and in ſuch order without addicion, dymynucion or alteracion, accordinge vnto there direction and commiſſion from the generall, vppon paine to be inflicted at the generals diſcretion, accordinge to the qualitie of there faulte. Heraults.

Cap-

Captaynes,

Entycinge of a Souldier from his Captaine.

52 No Captaine, Officer, or other person, shal receiue or entertaine any other mans Souldiour or seruant, without consent of his former Captaine or Maister, neither shall entice an other mans Souldiour from him, vpon paine of losse of a Monethes wages, and to restore the partie to his former Captaine or Maister.

Doinge any Enterprize without the generals knowledg.

53 No Captaine shall sende foorth any men to doe any enterprise, without knowledge of the Generall, or chiefe officer appointed thereunto, vpon paine of losse of his place.

Watch and ward by priuate Captaines.

54 All priuate Captaines, being no head Officers, shal watch and warde with their Enlignes, vnlesse it be by speciall leaue, vpon paine of the losse of a monethes paye, and for the second time, losse of his place.

Prisoner raunsomed or solde.

55 No Captaine shall sell or raunsome his prisoner without license of the Generall, and shall not suffer them to depart without making the high Marshall prime to the same, vpon paine of losse of his prisoner, and imprisonment.

Souldier transgressing to be taken by any Captaine.

56 Any Captaine finding any Souldier of what band or company so euer, which hath transgressed any of these Lawes and Ordinances, may take him and bring him vnto the Marshall to be punished.

57 That

57 That no Captaine ſhall receiue or enroll any perſon into his paye vnder him, but that he cauſe the ſayde Souldier to receiue the othe, vpon paine to the Captaine for not obſeruinge the ſame, of loſſe of a monethes paye. Souldier ſworne before he be receaued.

58 Noe inferior Captaine ſhall for corruption, or any other cauſe licenſe any of his ſouldiers to departe the Campe, or Garriſon without ſpeciall licenſe of the Generall, or other hedde Officer, vppon paine of loſſe of his monethes paie, and expulſion out of his office. Captaine not to licenſe any ſouldier to departe the Campe.

59 If any Captaine hereafter receauinge his ſouldiers paie, doe not paie the ſame vnto them within 8. daies after, and beinge demaunded, Then vppon complainte made, and the Captaine therof convicted, he ſhall loſe his monethes paie, and be depriued of his office, baniſhed the Campe, and diſabled from thenſforth to ſerue in this Armie. Souldiers paie.

60 Captaines and Officers ſhall frequent & reſorte vnto the Souldiers lodginges to ſee in what ſtate there Armour and Munitions be in, And to geue greate charge that there furniture be alwaies in a redines, there corſlets with all peeces belonginge to the ſame, and there Caliuers to be made cleane and oyled, to haue match and powder drie, and Stringes for there Bowes, there bylls and halberts to be kepte cleane and ſharpe. Viſitinge the ſouldiers furniture.

vppon paines and punishment arbitrarie, accordinge to the qualitie of there nerligence.

Punisſyment of all other Offencies.

61 All other offences and Actes that may tende to disorder, not compryſed within theſe Articles, ſhalbe ſubiect to ſuch maner of punishment, as the Lieutenant Generall ſhall inflict vpon them, as if it had bene ſpecially exprelled and ſet downe.

Publiſſyinge of the Articles.

62 And to the intente that no man maie pretende and alleage any iuſte cauſe of ignorance of the afore recited lawes and Ordinanceis, or anie of them, the ſaid lord Generall dothe ordaine, That all chief Officers, and Captaines of this Armie ſhall cauſe the ſame to be red and publiſhed with in there Bande euerie xx. daies, to all thoſe whitch be vnder there charge reſpectiuelie accordinge to there quarters, eſpeciallie in all thoſe placeis where they ſhall lie in Garriſon, aſwell horſemen, as footemen, and to cauſe the ſame to be kepte and obſerued inuiolablie aſmuch as in them lieth in euery branche & article of the ſame, accordinge, to the tenor, forme and effecte therof.

The forme of the Othe

Whiche all Officers, Captaines, Souldiers, and all other seruinge in this Armie shall take and perfoꝛme.

I. A. B. doe sweare and promise to doe all loyall, true and faithfull seruice vnto the Quene of England her moste excellente Maiestie, and vnto the Prouinces and Cities vnited in these Countries, and there associats vnder the charge and obedience of the right excellente the Earle of LEYCESTER, Gouernour generall of the saide Prouinces and Cities, & there associats, and of her Maiesties armie and foꝛces within the same. And all laufull and due obedience vnto the saide Gouernour, and to any other superioꝛ, that shall haue charge vnder him foꝛ gouerment in this Armie. And farther I do promise to endeuour my self to fulfill and kepe all suche laufull Oꝛdinances as his Excellencie hath oꝛ shall sette foꝛth and establishe foꝛ the better oꝛdering of this Armie, as muche as concerne me, so longe as I shall serue in the same vnder him. So helpe me God, by Jesus Chriſte. Othe.

G 7113
8/25/30